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File No. 11 of 1911

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Serial Nos. 1–4

ater References

No 1862

General and Revenue Secretariat.

A Collection

erial Nos. Four

Manuscript **Part A for** April 1911.

SUBJECT

The Mysore Factories Regulation

File No 11-1911

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE?

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

For April 1914.

Judicial and Legislative (Legislation).

Collection. Serial No 1-4.

The Mysore Factories Regulation.

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No 4820 dated 12-8-11..

Forwards a copy of the Indian Factories Act, XII of 1911 for adoption in Mysore as advised by the Factory Commission.

To the Hon'ble the Resident. No 530 dated 23-6-12.

Forwards a copy of the Bill to consolidate and amend the law relating to labour in factories and states that the Bill will be placed before the Legislative Council in due course.

From the First Assistant to the Resident.

No C.92 dated 29-6-12.

Acknowledges the receipt of the Bill.

To the Compiler, Mysore Gazette.

No J 2888 dated 3-4-14.

Orders the publication of the Regulation as Regulation No III of 1914.

T V R.

GENERAL AND REVENUE SECRETARIAT.

Legis)

NOTES.

Legis File No. 1

FILE HEADING.

The Mysore Factories Regulation

From The F.A. Resident in Mysore, Bangalore

No. 4820 Dated 12/8/11 Received 12/8/11

Diary No.	Enclos. 2	Spare Copies.	Serial No. 1
1447			

BRIEF ABSTRACT OF LETTER.

Forwards a copy of the Indian Factories Act, XII of 1911 for adoption in Mysore as advised by the Factories commission

NOTES AND ORDERS.

Submitted with the copy of the Act received, a copy of the present Mysore Factories Regn IV of 1892 with a copy of the Rules thereunder, and a note showing points in the Act which

G. R. S. 12]

General and Revenue Secretariat.

Leg. File No. 11 of 191 -12

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2. The new Indian Factories is fuller than the old Act of 1891. Chiefly because several matters which were left to be dealt with by rules under the old Act have been incorporated into the body of the new Act. The large increase in the number of factories since the passing of the Act of 1891 in Br. India and the variety of Operations Carried on in them have necessitated a fuller treatment of the precautions to be observed by employers in regard to the working of the machinery set-up in factories.

3. But the Chief Change and one that gave rise to considerable Controversy in British India - is in regard to the limitation imposed by the new Act on the employment of adult male labour in textile factories in regard to the number of working hours (Please see Sec 28 of the Act). The limitation imposes limits imposed upon the fair and there seems to be no harm in adopting them.

4. The Residency suggest legislation by the Durbar on the lines of the new Act mainly because it is feared that the

Official publication (with the discussion in the Imp. Leg. Council and the Report of the Factories Commission is available and with the Gazette of India containing the discussions are put up

NOTE—Contn. sheet.

GPB—5,000—26-6-11

G. R. S. 12]

General and Revenue Secretariat.

Leg's File No. 11 of 1911-12.

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Factory Rules Subject to the law of Br. India might otherwise suffer by unfair Competition from Manufacture in Native States.

5. Apart from this reason there seems to be no urgent reason for fresh Legislation in Mysore. We have less than 10 factories for the whole State and only 5 of them are Cotton-ginning factories All of them are in Bangalore

~~If the idea of undertaking Legislation is~~

6. If it is decided that fresh Legislation is desirable, a Bill will be prepared on the lines of the new Bor. Act

S. Hiriamanja
Sd
13/9/11.

Secy)

1. Please get a copy of the Factory Commission's report & the G of I's orders omit C. S. Balasundaram Iyer
CM
14/9/11

G. R. S. 12]

General and Revenue Secretariat

Legis File No. 11 of 1911-12

Serial No.	
	Submitted C. In replying to the Residency Memo No 6283 dated 20/10/11, it is stated that the decision arrived at by the Durbar in the matter of amending the Mysore Factories Regulation will be communicated before the end of January 1912. 9) The report of the Indian Factory Labour commission which * was ordered to be got has been received and is herewith submitted. The report ~~(5.8)~~ does not contain the 16/11/11 Government order thereon and a despatch to the Superintendent Government Printing India to send a copy of Govt order is submitted separately ~~today (vide Legis 3 of 1911)~~ Please see linked file Legis 3 of 1911 S.V.S. ~~cb~~ (6.8) SV(III) 16/11/11 17/11/11

Srinivasaiya

G. R. S. 12]
General and Revenue
Secretariat

Pages from the issues of the Gazette of India of 31/7/09, Bombay Gazette of 11/2/11 and, Gazette of India of 4/2/11 & 8/4/11 containing the Indian Factories Bill and the discussions thereon in the Imperial Legislative Council are herewith put up as ordered by the Asst. Secretary in the marked file.

15/12/11

Please keep this till seen & returned from Delhi.

11/12/12

A reminder since received from The Resy & kept in the file

1/3/12

10. A draft bill may be prepared on the lines of the I a Act & placed before the Council

C. S. Balasundaram
Clk in Exer
11/3/12

1572

S. 31, 155

11. Except S. 31, there is nothing in the new Act that any one can reasonably object to. We may adopt it as it is certainly an improvement in many respects. Please put it through as early as possible. If necessary, an ad interim reply may be sent to the Residency

H. V. Narasimhaya
14/3/12

1) Please put up a reply to Resy
2) Prepared

C. S. Balasundaram
14/3/12

NOTE.—Contn. sheet.

GPB—50-22-12-1-6-10

G. R. S. 12]
General and Revenue Secretariat.

Legis File No. 11 of 1911-12

Serial No. 13)

14) Submitted with a draft to the Resident as ordered. 14) A bill is being prepared which will be laid shortly

S.V.S. SN (68)

16/3/12 Nekes[4] seem to expect a reply from us as to whether we are going to adopt the Bor. 9. act.

16/3/12 S Hare amanuensis

Lee[1]

15. Issue C S Balasundaram Iyer

C&S

16/3/12

Keep for further action 24/3/12

16. Submitted with copies of the Rs Indian Act of 1911 and the Mysore Regn of 1892. In this connection Rs attention is invited to the proposal made by the Dt Magistrate of Chitdl to provide for requiring the factory owners to keep fire-extinguishers on the factory premises (vide Legis 9-11 Sl 1 Filed.)

S.V.S. SN (11) (68)

10/4/12 10/4/12

[Make a fair corrected Cl (pad with) of the Bill — postup.]

7/5/12

G. R. S. 12]
General and Revenue Secretariat.

Legal File No. 11 of 19 11

Serial No.

17) A draft Bill is prepared on lines of the Bom. Act, only making such alterations as are necessary to apply it to Mysore.

18) A reply is due to the Res' in the matter as to whether we undertake legislation or no.

S. Hariharamurthy

17/5/12

Lee)

Sub to 62 Sec V

C. S. Balasundaram Iyer.

18/5/12

Seen.

Further steps may be taken.

Hariharamurthy

19/5/12

19/5/12) 1) Put up draft of a reply to the Res. stating that the Govt have decided to introduce [illegible]

G. R. S. 12]
General and Revenue Secretariat.

File No. 11 of 19 11

Serial No.

~~Letter~~ new

of the Bor. Indian Act.

2) (2) Putting a Short Statement of objects and Reasons [The Bill is based on the Br. Indian Act and is more full than the Regulation now in force. It contains many Sanitary provisions regarding the health and Safety of the Employees etc.] Early

29/3/12 Sriramanuja

22 Draft sent
28/3/12 S. K. S.

23) Changing draft to Reg^n into Do form. It will obviate the necessity for another Communication

30/5/12 Sriramanuja

Information given to the Secretary [illegible] Mill Agents Association [illegible] Communication [illegible] Bombay Mill Owners Association [illegible] Bombay Mill Owners [illegible] Letter Form [illegible] Letter to return Form to Do. Form

25) A Statement of objects and Reasons and draft of a Do. to the Reg^n are put up. The only Correspondence which has been in the official form, it has been usual to Communicate our intention to undertake fresh legislation only in the Do form. Submitted to Hon'ble

G. R. S. 12]
General and Revenue
Secretariat.

File No.

Serial No.	

Dewan [The Hon Councillor has Sanctioned the Bill and approved it]

S Sriramanaiyga

4/6/12

H. V. Ramanathan Sangaya

9/6/12

1698
10-6-12

Sr Dewan

24 Draft approved by the Dewan

Sd S Arunachalam
13 June 12 Dyaru

25/ Dewan

Let me have fair Copies

S Sriramanaiya

25
Fair Copies for Dewan's
Signature are submitted.
herewith 16/6/12
20 (25)
17/6/12

26/ Dewan

Sub Dewan for Dewan's Sig

S Sriramanaiya

27/ 21/6/12
Dewan's signature taken & submitted
numbered &c
24.6.12

G. R. S. 12]

General and Revenue Secretariat.

Legs File No. 71 of 1911-

Serial No.

No D.O. 530 dated 2 3/6/12
To the Hon'ble ~~Col Sir Hugh Daly~~ K.C
~~C.S.I.~~ The Resident in Mysore

Forwards a copy of the Bill to consolidate and amend the law relating to labour in Factories with a Statement of Objects and reasons and states that the Bill would be placed before the Legis. Cl. in due course

No C. 92 dated 29/6/12
From the F. A. Resident

Acknowledges with thanks the receipt of the Factories Bill with the Statement of objects and reasons.

Submitted
S.V.S
5/7/12

By Legislative Dept
with Draft
Bill will be published for the next meeting

Srikantaiya
H.V. Nanjundiah
20/7/12 5.30
22/7/12
20

G. R. S. 121.

General and Revenue Secretariat.

Legis File No. 11

Seria No. 20

Submitted

Leave was granted by the Legis. C on 4/4/13 to introduce the Bill to consolidate and amend the law regulating labour in factories and The Bill has now to be published in the Gazette under rule 31 of the Legis. council Rules. A draft is hereunto put up

(S.S.) SN
2/4/13

32. Issue. Let me see proof.

SDK 25/4

No 78/L.C. dated 28/4/13.
To the Compiler Mysore Gazette
Forwards for publication under Rule 31 of L.C. Rules a copy of the Bill
Submitted
Spare copies of the Bills have been received and have to be forwarded to the Legis. council members as usual.
A draft is also put up

(S.S.)
1/6/13

34. Issue

General and Revenue
Secretariat.

Serial
No. 35

30) ~~The Bill was Le~~ to introduce
the Bill was granted at meeting
dated 4th April 1913 and was
referred to a Select Committee
at meeting of 15/9/13 the Report
of the S.C. has been received and
was published in the Gazette.
The Bill as now amended has
to be considered and passed at
the next meeting of the Legis Counc
to be held on 3/2/14.
The year 1914 has to be inserted
~~in~~ at the end of clause sub-clause
(1) of clause 1 of the Bill and the
date from which the Regn comes
into force has to be mentioned in
sub-clause 2 of clause 1.
This has to be decided now by Govt
now.

S.V.S.
~~ch~~ (41) 32)
22/1/14 21/1/14 There is no necessity for any
specific motion for putting the year 1914
Such a motion is necessary only for the
date from which the bill comes into effect
if this may be included in the agend

S. P. Rajagopalachariar
22.1.

R. S. 12]

General and Revenue Secretariat.

Legis File No. 11 of 191 1-12

Serial No.

35) The Bill was finally passed ~~the~~ by the Legislative council at their meeting held on 3/2/14 A copy of the Bill as finally passed is herewith put up for ~~obb~~ the Dewans signature after obtaining the approval of His Highness to the Bill being promulgated into law.

S.V.S.

(48)

25/2/14

36) submd with a draft Subm

S. P. Rajagopalachari

Sd/ 27/2

recd agglcn 27/2

Submitted to His Highness.

35) The Mysore Factories Bill was finally passed by the Legislative Council at the meeting held on the 3rd February 1914.

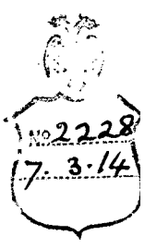
36) I now solicit the sanction of His Highness for its promulgation into law.

M. Visvesvaraya -

7th Mar. 1914 -

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.



Promulgation of the Mysore Factories Bill into Law.

37) *Order.*

~~KRM~~
28/3/14

Secretary
29.3.14
RO

Draft order. Compare the bill carefully
30/3
Rajagopala Chari

General and Revenue Secretariat.

Legis File No. 11 of 1911-12

Serial No.	
39	Subd with a draft order for publishing the Regn S.V.S 2/4/14 (GB) NR 40) Issue. Let me see proof SVR Appajopalachi 1/4
41	Subd. The proof was shown to the Asst Secretary and as directed by him was again compared and sent to the Press finally for being published in the Gazette. The certificate at the bottom of the Bill which was kept in the file and submitted to the Dewan on 27, has not been signed by him as required by Rule 52 of the Rules of business. May the file be now sent to the Dewan's Office for obtaining his signature of the Dewan for to the certificate. S.V.S 6/5/14 (GB) NR 42) Sir - I AR Banerji 6.5.14
43	Signed by the Dewan S. Hariamanja Pvt Sec

W.J 2888 dated 3/4/14 (2/5/14.
To the Compiler Mysore Gazette
orders the publication of the Regn as it.

III 1914

OMB-65,506-17-6-12.

No. 4820

From

P.B. Warburton, Esq., I.C.S.,

First Assistant to the Resident in Mysore;

To

The Dewan of Mysore.

DIARY No. 44
1911-1912
SECTION Legislati
FILE No. 116/1911.
DIARY No. 1

Dated Bangalore, the 12th August 1911.

Sir,

I am directed to refer to the correspondence ending with this office letter No. 3791-321-91, dated the 26th November 1892, regarding the regulation of factory labour in the Mysore State.

2. In the enclosed extract of paragraph 119 of the Factory Commission's Report, the Commission suggest the advisability of assimilating, as far as possible, the conditions of factory labour in native states to those prevailing in British India, and the Government of India concur in the Commission's recommendation. I am now to suggest, for the consideration of the Durbar, the desirability of adopting a measure similar to the Indian Factories Act, 1911 (XII of 1911), which will come into force on the 1st July 1912 and which contains the law of British India on the subject. A copy of the Act is forwarded herewith.

I have the honour to be,

Sir,

Your most obedient servant,

P B Warburton

First Assistant Resident.

Extract paragraph 119 of the Factory Commission's Report

119. Although we consider that the effect of our proposals will ultimately be to improve materially the position of industries in India, yet we are conscious that there will be a transition period during which the disadvantages of the limitations we propose will be felt, while their advantages will not then have become apparent. During this period factories in British India may possibly suffer to some extent from the competition of adjacent factories situated in Native States, and not subject to the restrictions which we desire to impose. This is more especially the case as regards cotton ginning, spinning, and weaving factories. The question is one of considerable practical importance; and we would suggest that the Government of India should consider the advisability of making arrangements under which the conditions in these territories would be assimilated as far as possible in this respect to those obtaining in British India.

Labour laws of Native States in India.

G R. S. 26] Two drafts 15/6/3.20

No. of letter replied to

General and Revenue Secretariat

( )

the *191*

Date of issue

Signed by

Do (Legn) File No. 11-
Serial No. 2

23 June

U. O. No. 530 No.

West Hamilton
in Mysore

To

My Dear Sir

In Continuation of
this offices letter Pol no 784 dated
the 18th March 1912 regarding
the introduction into Legl.
of a measure similar to the
Indian Factories Act of 1911
I have to say Enclose herein
a Bill with Statement of objects
and Reasons, which the Durbar
have decided to place before the
Legislative Council in due Course

I am

Yours ... over.

UBJECT.

(Dewan).

To The Hon'ble Col. Sir Beth Dale K.C.S.

Pol-62 9 13.7.12. Legis II dff 1911-12 serial 3

C. 92.

2-623 1/11

Camp Kuppox

BANGALORE.
29 June 1912

THE RESIDENT MYSORE

P III 93 13/7

My dear Dewan Sahib,

From the Private Asst to the Resident in Mysore

I am desired to acknowledge, with thanks, 8&3

the receipt of your D.O. letter No. 530, dated the 23rd June 1912, forwarding a copy of the Mysore Factory Bill framed by the Durbar to bring the law in force in the State into line with that obtaining in British India.

Yours Sincerely

M B Waghmare

T. Ananda Row Esqr., C.I.E.,

Dewan of Mysore

Bangalore

Dated March 1913

To

M. Visvesvaraya Esqr B.A., L.C.E., M.Inst.C.E.

Dewan of Mysore.

Sir,

I beg to request your sanction in writing under Section 12 of Regulation I of 1907, for introducing a bill to consolidate and amend the Mysore Factories Regulation

at a meeting of the Mysore Legislative Council.

I have the honor to be,
Sir,
Your most obedient servant,

J N Manjunday

~~*Member.*~~

OFFICE OF THE DEWAN OF MYSORE.

Dated.....190

Mr. H. V. Nanjundayya, M.A., M.L. Member of the Mysore Legislative Council, is hereby permitted to introduce a bill to consolidate and amend the Mysore Factories Regulation,

.....

.....

.....at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, No. I of 1907

M. Visvesvaraya

Dewan of Mysore.

3.4.13

Please type a clean letter & statement of objects and reasons Flag Y

G.R.S. 26]

File No.

Serial No.

Diary No. of letter replied to

Notification

No. 78 L.C.

General and Revenue Secretariat

( )

, *the* 19 .

~~To~~

Under rule 31 of the Rules for the conduct of business of the Legislative Council, the following Bill to consolidate and amend the law regulating ~~relating~~ labour in factories is published for general information with a Statement of Objects and reasons.

By order

Sd/-

Secretary, Mysore Legis. Cl

Date of issue 28/4/13

Signed by Mr S. P. Rajagopalachar

Here print the accompanying Bill and statement of Objects and reasons

NOTIFICATION.

No. 78—*L. C., dated* 28*th April* 1913.

Under Rule 31 of the Rules for the conduct of business of the Legislative Council, the following Bill to consolidate and amend the law regulating labour in factories is published for general information with a statement of objects and reasons:—

By Order,

S. P. RAJAGOPALACHARI,

Secretary, Mysore Legislative Council.

The Mysore Factories Bill.

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SCHEDULES.

A Bill to consolidate and amend the law regulating labour in factories.

Whereas it is expedient to consolidate and amend the law regulating labour in factories; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Factories Regulation.

Short title, commencement and extent.

(2) It shall come into force on.....; and

(3) It extends to the whole of Mysore.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "child" means a person who is under the age of fourteen years:

"Child."

(2) a person who works in a factory, whether for wages or not,—

"Employed."

(*a*) in a manufacturing process or handicraft, or

(*b*) in cleaning any part of the factory used for any manufacturing process or handicraft, or

(*c*) in cleaning or oiling any part of the machinery, or

(*d*) in any other kind of work whatsoever, incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein,

shall be deemed to be employed therein:

Explanation.—The term "manufacturing process" shall be deemed to include the baling of any material for transport:

(3) "factory" means any premises wherein, or within the precincts of which, steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article:

"Factory."

(4) "inspector" includes an additional inspector:

"Inspector."

(5) "mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, chain, wire, driving strap or band by which the motion of the first moving power is communicated to any machine appertaining to any manufacturing process:

"Mill-gearing."

(6) "occupier" includes a managing agent or other person authorised to represent the occupier:

"Occupier."

(7) "prescribed" means prescribed by this Regulation or by rules made thereunder:

"Prescribed."

(8) "system of shifts" means a system of relays in which the time of the beginning and ending of the period or periods of the employment of each person is fixed for each relay:

"System of shifts."

(9) "textile factory" means a factory wherein is carried on any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoanut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof:

"Textile factory."

Provided that the term "textile factory" shall not be deemed to include the following factories, namely:- cloth-printing works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, silk filatures, factories for ginning cotton, decorticating fibre, pressing cotton, jute or other fibre, rope works and hat works.

3. (1) Nothing in the following chapters shall apply to—

Application of Act.

(*a*) any mine subject to the operation of the Mysore Mines Regulation, 1906, or

(*b*) any electrical generating or transforming station, or

(*c*) any factory situated on and used solely forthe purposes of a tea or coffee plantation, or

(*d*) any factory wherein on no day in the year are more than forty-nine persons simultaneously employed:

Provided that the Government may, by notification in the official Gazette, apply to any factory or class of factories, wherein any specified number of persons, not being less than twenty, are on any day simultaneously employed, all or any of the provisions of this Regulation which would, save for clause (*d*) of this sub-section, have applied.

(2) The provisions of Chapters IV and V and Sections 35 and 36 shall not, unless the Government by order in writing otherwise directs, apply to any person employed solely in any place within the precincts of a factory, not being a cotton reeling-room or winding-room, in which place no steam, water or other mechanical power or electrical power is used in aid of the manufacturing process carried on in such factory, or in which such power is used solely for the purpose of moving or working any appliances in connection with the bringing or taking of any goods into or out of the factory.

CHAPTER II.

INSPECTORS AND CERTIFYING SURGEONS.

Inspectors.

4. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) The District Magistrate shall be an inspector under this Regulation.

(4) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional inspectors for all or any of the purposes of this Regulation within such local limits as it may assign to them respectively.

(5) In any area where there are more inspectors than one, the Government may, by notification as aforesaid, declare the powers which such inspectors shall respectively exercise, and the inspector to whom the prescribed notices are to be sent.

(6) Every inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Government may indicate in this behalf.

Powers of inspector.

5. Subject to any rules in this behalf, an inspector may, within the local limits for which he is appointed,—

(*a*) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory:

(*b*) make such examination of the premises and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Regulation; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Regulation;

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

Certifying surgeons.

6. The Government may appoint such qualified medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Regulation within such local limits as it may assign to them respectively.

Grant of certificate.

7. (1) A certifying surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

(2) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory, he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reasons for such refusal.

Delegation of certifying surgeon's functions.

8. A certifying surgeon may authorize any person practising medicine or surgery to exercise the functions assigned to him by Section 7, and may revoke such authority:

Provided that no certificate granted under this section shall, unless confirmed, on personal examination of the person named therein, by the certifying surgeon who conferred the authority, be valid after the first date subsequent to the grant thereof on which such certifying surgeon visits the factory in which the person named therein is employed.

CHAPTER III.

HEALTH AND SAFETY.

Sanitary provisions.

9. The following provisions shall apply to every factory :—

(*a*) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance ;

(*b*) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein ;

(*c*) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

Provision as to ventilation by fans in certain factories.

10. If in a factory, in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may serve on the manager of the factory an order in writing, directing that a fan or other mechanical means of a proper construction for preventing such inhalation be provided, maintained and used before a specified date.

Lighting.

11. (1) Every factory shall be sufficiently lighted.

(2) In the case of any factory which is not in the opinion of the inspector so lighted, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

Purity of water used for humidifying.

12. (1) In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified before being used for the purpose of producing humidity.

(2) In the case of any factory in which any water required under sub-section (1) to be effectively purified is not in the opinion of the inspector so purified, the inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for effectively purifying the water and requiring him to carry them out before a specified date.

Provision of latrines and urinal accommodation.

13 Every factory shall be provided with sufficient and suitable latrine accommodation, and if the Government so requires, with separate urinal accommodation for the persons employed in the factory :

Provided that the inspector may, subject to such conditions as the Government may lay down in this behalf, by an order in writing exempt any factory from the provisions of this section.

Water-supply.

14. In every factory, there shall be maintained a sufficient and suitable supply of water fit for drinking for the use of the persons employed in the factory.

Doors of factory to open outwards.

15. In every factory, the construction of which is commenced after the commencement of this Regulation, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

Provision of means for escape in case of fire.

16. (1) Every factory shall be provided with such means of escape in case of fire for the persons employed therein as can reasonably be required in the circumstances of each case.

(2) In the case of any factory which is not in the opinion of the inspector so provided, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for providing such means of escape, and requiring him to carry them out before a specified date.

17. No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

Precaution against fire.

18. (1) (*a*) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of any water-wheel or engine worked by any such power,

Fencing.

(*b*) every hoist or teagle and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed, and

(*c*) every part of the machinery which the Government may by rule require to be kept fenced, shall be securely fenced.

(2) If in any factory there is any other part of the machinery or mill-gearing which may in the opinion of the inspector be dangerous if left unfenced the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for fencing such part in order to remove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machinery.

(4) Such provision as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery or boilers of any factory.

19. No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

Prohibition of employment of women and children in certain dangerous work.

20. No woman or child shall be employed in the part of a factory for pressing cotton in which a cotton-opener is at work:

Prohibition of employment of women and children where cotton openers are at work.

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof, women and children may be employed in the room in which the feed-end is situated.

CHAPTER IV.

Hours of Employment and Holidays.

21. (1) In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

Periodical stoppage of work.

(2) Nothing in sub-section (1) shall apply to—

(*a*) any work performed by any person while employed in accordance with a system of shifts approved by the inspector, or

(*b*) the work of sizing, calendering, finishing, sewing or tailoring in textile factories, or in cloth-printing works, or in bleaching or dyeing works, or

(*c*) work on urgent repairs executed in railway or tramway workshops or running sheds, or in engineering works, or

(*d*) any work mentioned in Part A or in Part B of Schedule 1, or

(*e*) the factories mentioned in Part C of the said Schedule.

(3) Where it is proved to the satisfaction of the Government—

(*a*) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(*b*) that there is in any class of factories not specified in Part B of the said Schedule any work which necessitates continuous production for technical reasons, or

(*c*) that any class of factories not specified in Part C of the said Schedule requires, by reason of the exigencies or

special circumstances of the trade carrie
on therein, an uninterrupted working da
the Government may, by notification
the official Gazette, exempt,—

in case (*a*), such class of work,

in case (*b*), work of the nature d
scribed in such class of factorie

in case (*c*), such class of factories,
from the provisions of sub-section (1) c
such conditions, if any, as it may impos

Weekly holiday.

22. (1) No person shall be employ
in any factory on
Sunday, unless—

(*a*) he has had, or will have,
holiday for a whole day on one of tl
three days immediately preceding or su
ceeding the Sunday, and

(*b*) the manager of the factory h
previous to the Sunday or the substitut
day, whichever is earlier, given notice
the inspector of his intention so to empl
the said person and of the day which
to be substituted and has at the sa
time affixed a notice to the same effect
the place mentioned in Section 36.

(2) Nothing in sub-section (1) sha
apply to work on urgent repairs execut
in railway or tramway workshops or ru
ning sheds or in engineering works.

(3) Nothing in sub-section (1) sh
apply to any person employed on a
work specified in Part A of Schedule I
in Part A of Schedule II or to any facto
specified in Part B of Schedue II.

(4) Where it is proved to the sati
faction of the Government—

(*a*) that any class of work not sp
cified in Part A of Schedule I is of
urgent nature or is such as in the interes
of efficiency is commonly performed whi
the main manufacturing process of tl
factory is discontinued, or

(*b*) that there is in any class
factories not specified in Part A of Sch
dule II any work which necessitates co
tinuous production for technical re
sons, or

(*c*) that any class of factories n
specified in Part B of Schedule II su
plies the public with articles of prin
necessity which must be made or supplie
every day, or

(*d*) that in any class of factori
the work performed, by the exigencies
the trade or by its nature, cannot be ca
ried on except at stated seasons, or
times dependent on the irregular actic
of natural forces

the Government may, by notification in the official Gazette, exempt,—

in case (*a*), such class of work,

in case (*b*), work of the nature described in such class of factories, and

in cases (*c*) and (*d*), such class of factories,

from the provisions of sub-section (1), on such conditions, if any, as it may impose.

Employment of children.

23. With respect to the employment of children in factories the following provisions shall apply :—

(*a*) no child shall be employed in any factory unless he is in possession of a certificate granted under Section 7 or Section 8 showing that he is not less than nine years of age and is fit for employment in a factory and while at work carries either the certificate itself or a token giving reference to such certificate ;

(*b*) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening ;

(*c*) no child shall be employed in any factory for more than seven hours in any one day.

Employment of women.

24. With respect to the employment of women in factories the following provisions shall apply :—

(*a*) no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening ;

(*b*) no woman shall be employed in any factory for more than eleven hours in any one day.

Prohibition of employment of woman or child in two factories on same day.

25. No person shall employ, or permit to be employed, in any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

Hours of employment of women and children to be fixed.

26. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

Exception to provisions relating to employment of women.

27. Nothing in Section 24 or Section 26 shall apply to any woman in any factory for ginning or pressing cotton, in which such

number of women are employed as are in the opinion of the inspector sufficient to make the hours of employment of each woman not more than eleven in any one day.

CHAPTER V.

Special Provisions for Textile Factories.

Limitation of hours of work.

28. No person shall be employed in any textile factory for more than twelve hours in any one day.

Limits between which a person may be employed.

29. (1) No person shall be employed in any textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

(2) Nothing in sub-section (1) shall apply to any person while employed in accordance with a system of shifts approved by the inspector.

Exceptions from Sections 28 and 29.

30. (1) Nothing in Section 28 or Section 29 shall apply to—

(*a*) the work of calendering, finishing, sewing or tailoring, or

(*b*) the work of cloth-printing, bleaching or dyeing, or

(*c*) any work specified in Part A of Schedule I.

(2) Where it is proved to the satisfaction of the Government that any work not specified in Part A of Schedule I is of an urgent nature, or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, the Government may, by notification in the Official Gazette, exempt any person employed on such work from the operation of Section 28 or Section 29 on such conditions, if any, as it may impose.

Limit of use of machinery.

31. (1) The period for which mechanical power or electrical power is used in any textile factory shall not on any one day exceed twelve hours.

(2) Nothing in sub-section (1) shall apply to any mechanical power or electrical power while being solely used in aid of the work performed by any person employed in accordance with a system of shifts approved by the inspector.

(3) Nothing in sub-section (1) shall apply to any mechanical power or electrical power required in connection with any work specified in sub-section (1) of Section 30 or in connection with any work which is exempted by the Government under sub-section (2) of the same section.

Limitation of hours of children.

32. No child shall be employed in any textile factory for more than six hours in any one day.

CHAPTER VI.

NOTICES AND REGISTERS.

Person occupying factory to give notice.

33. (1) Every person occupying a factory shall,

(*a*) in the case of existing factories, within one month after the commencement of this Regulation, or

(*b*) in the case of a factory which starts work after the commencement of this Regulation, within one month after he begins to occupy the factory,

send to the inspector a written notice containing—

(i) the name of the factory and of the place where it is situate,

(ii) the address to which he desires his letters to be directed,

(iii) the nature of the work performed in such factory,

(iv) the nature and amount of the moving power therein, and

(v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Regulation:

Provided that in the case of a seasonal factory such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Regulation.

Notice to be given of accident.

34. When any accident occurs in a factory causing death or bodily injury, whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of the accident to such authorities in such form and within such time as may be prescribed.

Register of children.

35. In every factory there shall be kept, in the prescribed form, a register of the children (if any) employed in such factory, and of the nature of their respective employment.

Affixing of abstract and notices.

36. (1) There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority of the operatives in such factory, the prescribed abstracts of this Regulation and of the rules made thereunder, and also a notice containing the standing orders of the factory upon the following matters, namely :—

(*a*) the time of beginning and ending work on each day ;

(*b*) the periods during which all work is discontinued under Section 21 ;

(*c*) the hours of beginning and ending work for each shift (if any) ; and

(*d*) the hours of employment of women and children respectively, if not employed in shifts.

(2) A copy of the said notice shall be sent to the inspector within one month of the commencement of this Regulation, or, in the case of a factory which starts work after the commencement of this Regulation, within one month of commencing work.

(3) The said notice shall be correctly maintained and kept up to date, and intimation of any change therein shall be sent by the manager to the inspector within seven days.

(4) Nothing in this section, except in so far as it relates to affixing the prescribed abstracts of this Regulation and the rules made thereunder, shall apply to any seasonal factory

CHAPTER VII.

RULES.

Power to make rules

37. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation;

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for

(*a*) the inspection of factories;

(*b*) the manner in which inspectors are to exercise the powers conferred on them by this Regulation ;

(*c*) the duties to be performed by certifying surgeons;

(*d*) the form of the certificate prescribed by Section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate ;

(*e*) the methods, including limewashing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia;

(*f*) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein;

(*g*) standards of ventilation, and the methods to be adopted in order to secure their observance ;

(*h*) standards of latrine and urinal accommodation ;

(*i*) standards of water-supply ;

(*j*) the parts of the machinery to be kept fenced in accordance with Section 18, sub-section (1), clause (*c*), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers;

(*k*) the form of the notice prescribed by Section 34, and the time within which and the authorities to whom it shall be sent;

(*l*) the form of the register prescribed by Section 35 ;

(*m*) the abstracts of the Regulation and of the rules required by Section 36 ;

(*n*) the procedure to be followed in presenting and hearing appeals under this Regulation, including the appointment and remuneration of assessors; and

(*o*) the manner of service of notices and orders upon occupiers or managers of

Returns.

38. The Government may from time to time make rules requiring occupiers or ıanagers of factories to furnish such reırns, occasional or periodical, as may in s opinion be necessary for the effectual ırrying out of this Regulation.

Prior publication rules.

39. (1) The power to make rules conferred by Section 37, except clauses (*k*), (*l*) and (*m*) of sub-section 2) thereof, and by Section 38 is subject) the condition of the rules being made fter previous publication.

(2) The date to be specified in acordance with clause (3) of Section 23 of ıe General Clauses Regulation, 1899, as ıat after which a draft of rules proposed) be made under Sections 37 and 38 will e taken into consideration, shall not be ss than three months from the date on hich the draft of the proposed rules was ıblished for general information.

Commencement rules.

40. Rules made under this chapter shall be published in the official Gazette and shall thereupon have fect as if enacted in this Regulation.

CHAPTER VIII.

Penalties and Procedure.

Penalties.

41. If in any factory—

(*a*) any person is employed or allowed to work contrary to any of the provisions of this Regulation;

(*b*) any of the provisions of Section 9 are not complied with;

(*c*) latrine or urinal accommodation in accordance with the provisions of Section 13 is not provided;

(*d*) a supply of water for the persons employed is not maintained in accordance with the provisions of Section 14;

(*e*) any door is constructed in contravention of Section 15;

(*f*) any of the provisions of Section 18, sub-sections (1), (3) and (4), regarding fencing and the protection from danger of persons employed in attending to the machinery or boilers are not complied with;

(*g*) any order of an inspector under Section 10, Section 11, Section 12, Section 16 or Section 18 is not complied with;

(*h*) the register prescribed by Section 35 is not kept up to date ;

(*i*) any of the provisions of Section 36 are not complied with ;

(*j*) any notice or return required by this Regulation or by rules made thereunder to be furnished is not furnished the occupier and manager shall be jointly and severally liable to a fine which may extend to two hundred rupees :

Provided that in cases where an appeal is allowed by Section 50 no prosecution under clause (*g*) of this section shall be instituted until either the time prescribed by Section 50 for the presentation of an appeal has expired or such appeal, if made has been determined.

Exemption of occupier or manager from liability in certain cases.

42. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved the occupier or manager of the factory proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Regulation and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the inspector at any time prior to the institution of the proceedings—

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against

the occupier or manager of the factory and such person shall be liable to the like fine as if he were the occupier or manager.

Penalties for certain offences.

43. Any person who—

(*a*) wilfully obstructs an inspector in the exercise of any power under Section 5, or fails to produce on demand by an inspector any registers or other documents kept in pursuance of this Regulation or the rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an inspector;

(*b*) smokes, or uses a naked light or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of Section 17; or

(*c*) does or omits to do any other act prohibited or prescribed by this Regulation or any order or rule made thereunder;

shall be punishable with fine which may extend to two hundred rupees.

Using false certificate.

44. Any person who knowingly uses or attempts to use, a certificate granted to himself under Section 7 or Section 8, a certificate granted to another person under either of those sections or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

Limit to penalty in case of repetition of offence.

45. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Regulation for the offence, except—

(*a*) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(*b*) where the offence is one of employing or allowing to be employed two or more persons contrary to the provisions of this Regulation.

Presumption as to employment.

46. If a child over the age of six years is found inside any room or part of a factory in which room or part children are employed and in which any manufacturing process or work incidental to any manufacturing process is

being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory.

Evidence as to age.

47. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Regulation, and such person is in the opinion of the Court apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that person.

Cognizance of offences.

48. (1) No prosecution under this Regulation except a prosecution under Section 43, clause (*b*), shall be instituted except by or with the previous sanction of the inspector.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation or any rule or order thereunder, other than an offence against Section 43, clause (*b*).

Limitation of prosecutions.

49. No Court shall take cognizance of any offence against this Regulation or any rule or order thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER IX.

Supplemental Provisions.

Appeals.

50. (1) Any person on whom an order under Section 10, Section 11, Section 12, Section 16 or Section 18 has been served may, within fourteen days from the date of service of the order, appeal against such order to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(2) Where an inspector refuses to approve a system of shifts, he shall, if

required by the manager of the factory, record his order of refusal with the reasons therefor, and the manager of the factory may, within fourteen days from the date of such order, appeal against it to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(3) In the case of any appeal under sub-section (1) the appellate authority may, and if so requested by the appellant in the petition of appeal shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Government may in this behalf prescribe :

Provided that if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

Computation of hours of employment.

51. In computing the hours referred to in Section 23, clause *(c)*, Section 24, clause *(b)*, Section 28 and Section 32, any interval by which work is interrupted for half an hour or more shall be excluded.

Power to declare parts of a factory to be separate factories.

52. The Government may, by special order in writing, direct, with respect to any factory or class of factories, that different branches or departments of work carried on in the same factory shall for all or any of the purposes of this Regulation be treated as if they were separate factories.

Application to Government factories.

53. This Regulation shall apply to factories belonging to the Government.

Power to exempt from Regulation.

54. In the case of any public emergency, the Government may, by an order in writing, exempt any factory from this Regulation to such extent and during such period as it thinks fit.

Protection to persons acting under Regulation.

55. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Repeal and savings.

56. The Mysore Factories Regulation, 1892, is hereby repealed:

Provided that all appointments made and all certificates given under the said Regulation shall be deemed to have been made or given under this Regulation.

SCHEDULE I.

(*See Sections* 21, 22, 30.)

PART A.

[*See Sections* 21 (2), (3); 22 (3); 30.]

WORK OF AN URGENT NATURE OR SUCH AS IN THE INTERESTS OF EFFICIENCY IS COMMONLY PERFORMED WHILE THE MAIN MANUFACTURING PROCESS OF THE FACTORY IS DISCONTINUED.

(*a*) Work by the supervising staff, clerks, watchmen or messengers;

(*b*) work in the mechanic shop, the smithy or foundry, the boiler-house, the engine-room or power-house, or in connection with the mill-gearing, the electric driving or lighting apparatus, mechanical or electrical lifts, or the steam or water pipes or pumps;

(*c*) work on the cleaning of walls, ceilings or other portions of factory buildings, tanks, wells, humidifying or ventilating apparatus, tunnels, blow-room flues or line-shaft alleys or of galleries in ginning factories;

(*d*) work by persons engaged in oiling, examining or repairing or in supervising or aiding in the oiling, examination or repair of any machinery or other thing whatsoever which is necessary for the carrying on of the work in a factory.

Explanation.—Periodical cleaning is not included in the terms "examining" or "repairing"

(*e*) work on the processess of packing, bundling or baling of finished articles or the receiving or despatching of goods.

PART B.

[*See Section* 21 (2), (3).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.

Oil refineries.
Oil mills.
Cement works.
Cloth-printing works.
Bleaching and dyeing works.
Carbonic acid gas works.
Chemical works.
Glass works.
Paper mills.
Shellac factories
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART C.

[*See Section* 21 (2), (3).

FACTORIES WHICH BY REASON OF THE EXI GENCIES OR THE SPECIAL CIRCUMSTAN CES OF THE TRADE CARRIED ON THEREIN REQUIRE AN UNINTERRUPTED WORKING DAY, NAMELY :-

Flour mills.
Rice mills.
Letter-press printing works.
Dairies.
Bakeries.
Ice factories.
The mints.
Gas works.
Air-compressor stations.
Water works or water-supply pumping stations.

SCHEDULE I.

(*See Section* 22.

PART A.

[*See Section* 22 (3), (4

NECESSITATING CONTINUOUS PRODUC-ION FOR TECHNICAL REASONS IN THE OLLOWING FACTORIES, NAMELY :—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.
Oil refineries.
Cement works.
Carbonic acid gas works.
Chemical works.
Glass works.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART B.

[*See Section* 22 (3), (4).]

FACTORIES WHICH SUPPLY THE PUBLIC WITH ARTICLES OF PRIME NECESSITY WHICH MUST BE MADE OR SUPPLIED EVERY DAY, NAMELY :—

Ice factories.
Dairies.
Bakeries.
Gas works.
Air-compressor stations.
Water works or water-supply pumping stations

Statement of Objects and Reasons.

The Mysore Factories Regulation was passed so far back as 1892. In British India the law relating to factories was revised in 1911 and a new Act was passed embodying several salutary provisions about the health and safety of persons employed in factories and the period of their employment therein.

It is considered desirable that the law in the Mysore State should be brought into line with that obtaining in British India. With this object this Bill has been prepared on the lines of the British Indian Act of 1911.

A Bill to Consolidate and amend the law regulating labour in factories

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Statement of Objects & Reasons

The Mysore Factories Regulation was passed so far back as 1882. In British India the law relating to factories was revised in 1911 and a new Act was passed embodying ~~the~~ fewer salutary provisions about the health and safety of persons employed in factories and the hours of their employment.

It is considered desirable that the law in the Mysore State should be brought into line with that obtaining in B. India with this object this Bill has been prepared on the lines of the B. India Act of 1911.

Office of the Secretary
Legis. council File No
Serial No

Notification

No. 170
L. C.

~~To~~

Under Rule 40 of
Rules for the conduct
business of the Mysore
Legislative Council, t
following Report of the
Select Committee on th
Bill to consolidate an
amend the law regula
labour in factories, is
published for general
information

Report of the Select Committee on the Bill to consolidate and amend the law relating to labour in Factories

We, the members of the above committee, have the honor to state that we have carefully considered the Bill and consider it generally suitable. We have made slight additions to Sub-clause (1) of clause 3 of the Bill and are of opinion that it calls for no further remark, alteration. We recommend that it may be passed into law. As the Bill has not been materially altered, it need not be republished.

Bangalore
Dated 8th December 1913

H. V. Nanjundayya
M. Shama Rao
K. P. Puttanna chetty
A. Rangaswamiengar
S. Seetharamaiya

(Fair) Draft

Report of the sele
committee on the Bill
to consolidate and
amend the law
relating to labour in
Factories.

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Committee on the Bill
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amend the law rela
to labour in Factories

We, the member
of the above comm
have the honor to
state that we have
carefully considered
the Bill.

We have added
new para to sub-c
1) of clause 3 of the Bi
~~as follows~~ viz "(c) an
indigo factory, or" as
found in the Britis
Indian Act of 1911, and th
maining paras of the sub
ause have been renumber
cept for this slight
amendment we are of
opinion that the Bill c
for no further alterat
The Bill need not the
re-published.

(As amended by the Select Committee)

NOTIFICATION.

No. 78—*L. C., dated* 28*th April* 1913.

Under Rule 31 of the Rules for the conduct of business of the Legislative Council, the following Bill to consolidate and amend the law regulating labour in factories is published for general information with a statement of objects and reasons:—

By Order,

S. P. RAJAGOPALACHARI,

Secretary, Mysore Legislative Council

The Mysore Factories Bill.

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SCHEDULES.

A Bill to consolidate and amend the law regulating labour in factories.

Whereas it is expedient to consolidate and amend the law regulating labour in factories; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I

PRELIMINARY

Short title, commencement and extent.

1. (1) This Regulation may be called the Mysore Factories Regulation.

(2) It shall come into force on.....; and

(3) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

"Child."

(1) "child" means a person who is under the age of fourteen years:

"Employed."

(2) a person who works in a factory, whether for wages or not,—

(*a*) in a manufacturing process or handicraft, or

(*b*) in cleaning any part of the factory used for any manufacturing process or handicraft, or

(*c*) in cleaning or oiling any part of the machinery, or

(*d*) in any other kind of work whatsoever, incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein,

shall be deemed to be employed therein:

Explanation.—The term "manufacturing process" shall be deemed to include the baling of any material for transport:

"Factory."

(3) "factory" means any premises wherein, or within the precincts of which, steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article:

(4) "inspector" includes an additional inspector:

"Inspector."

(5) "mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, chain, wire, driving strap or band by which the motion of the first moving power is communicated to any machine appertaining to any manufacturing process:

"Mill-gearing."

(6) "occupier" includes a managing agent or other person authorised to represent the occupier:

"Occupier."

(7) "prescribed" means prescribed by this Regulation or by rules made thereunder:

"Prescribed."

(8) "system of shifts" means a system of relays in which the time of the beginning and ending of the period or periods of the employment of each person is fixed for each relay:

"System of shifts."

(9) "textile factory" means a factory wherein is carried on any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale cotton, wool, hair, silk flax, hemp, jute, tow, china-grass, cocoanut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof:

"Textile factory."

Provided that the term "textile factory" shall not be deemed to include the following factories, namely:—cloth-printing works, bleaching and dyeing works lace warehouses, paper mills, flax scutch mills, silk filatures, factories for ginning cotton, decorticating fibre, pressing cotton jute or other fibre, rope works and hat works.

3. (1) Nothing in the following chapters shall apply to—

Application of Act.

(*a*) any mine subject to the operation of the Mysore Mines Regulation 1906, or

(*b*) any electrical generating or transforming station, or

(*c*) any factory situated on and used solely forthe purposes of a tea or coffee plantation, or

(*d*) any factory wherein on no day in the year are more than forty-nine persons simultaneously employed:

Provided that the Government ma by notification in the official Gazett apply to any factory or class of factorie wherein any specified number of person not being less than twenty, are on ar day simultaneously employed, all or ar of the provisions of this Regulation whic would, save for clause (*d*) of this sul ection, have applied.

(2) The provisions of Chapters I and V and Sections 35 and 36 shall nc unless the Government by order in wri ing otherwise directs, apply to any persc employed solely in any place within tl precincts of a factory, not being a cotto reeling-room or winding-room, in whic place no steam, water or other mechan cal power or electrical power is used i aid of the manufacturing process carrie on in such factory, or in which suc power is used solely for the purpose moving or working any appliances in co nection with the bringing or taking of an goods into or out of the factory.

CHAPTER II.

INSPECTORS AND CERTIFYING SURGEONS.

Inspectors.

4. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) The District Magistrate shall be an inspector under this Regulation.

(4) The Government may also, by notification as aforesaid, appoint suc public officers as it thinks fit to be add tional inspectors for all or any of the pu poses of this Regulation within such loc limits as it may assign to them respect ively.

(5) In any area where there ar more inspectors than one, the Govern ment may, by notification as aforesaic declare the powers which such inspector shall respectively exercise, and the in spector to whom the prescribed notices ar to be sent.

(6) Every inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Government may indicate in this behalf.

Powers of inspector.

5. Subject to any rules in this behalf, an inspector may, within the local limits for which he is appointed,—

(*a*) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory:

(*b*) make such examination of the premises and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Regulation; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Regulation;

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

Certifying surgeons.

6. The Government may appoint such qualified medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Regulation within such local limits as it may assign to them respectively.

Grant of certificate.

7. (1) A certifying surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

(2) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory, he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reasons for such refusal.

Delegation of certifying surgeon's functions.

8. A certifying surgeon may authorize any person practising medicine or surgery to exercise the functions assigned to him by Section 7, and may revoke such authority:

Provided that no certificate granted under this section shall, unless confirmed, on personal examination of the person named therein, by the certifying surgeon who conferred the authority, be valid after the first date subsequent to the grant thereof on which such certifying surgeon visits the factory in which the person named therein is employed.

CHAPTER III.

Health and Safety.

Sanitary provisions.

9. The following provisions shall apply to every factory :—

(*a*) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance;

(*b*) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;

(*c*) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

Provision as to ventilation by fans in certain factories.

10. If in a factory, in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may serve on the manager of the factory an order in writing, directing that a fan or other mechanical means of a proper construction for preventing such inhalation be provided, maintained and used before a specified date.

Lighting.

11. (1) Every factory shall be sufficiently lighted.

(2) In the case of any factory which is not in the opinion of the inspector so lighted, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

Purity of water used for humidifying.

12. (1) In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified before being used for the purpose of producing humidity.

(2) In the case of any factory in which any water required under sub-section (1) to be effectively purified is not in the opinion of the inspector so purified, the inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for effectively purifying the water and requiring him to carry them out before a specified date.

Provision of latrines and urinal accommodation.

13. Every factory shall be provided with sufficient and suitable latrine accommodation, and if the Government so requires, with separate urinal accommodation for the persons employed in the factory:

Provided that the inspector may, subject to such conditions as the Government may lay down in this behalf, by an order in writing exempt any factory from the provisions of this section.

Water-supply.

14. In every factory, there shall be maintained a sufficient and suitable supply of water fit for drinking for the use of the persons employed in the factory.

Doors of factory to open outwards.

15. In every factory, the construction of which is commenced after the commencement of this Regulation, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

Provision of means for escape in case of fire.

16. (1) Every factory shall be provided with such means of escape in case of fire for the persons employed therein as can reasonably be required in the circumstances of each case.

(2) In the case of any factory which is not in the opinion of the inspector so provided, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for providing such means of escape, and requiring him to carry them out before a specified date.

17. No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

Precautions against fire.

18. (1) (*a*) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of any water-wheel or engine worked by any such power,

Fencing.

(*b*) every hoist or teagle and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed, and

(*c*) every part of the machinery which the Government may by rule require to be kept fenced, shall be securely fenced.

(2) If in any factory there is any other part of the machinery or mill-gearing which may in the opinion of the inspector be dangerous if left unfenced, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for fencing such part in order to remove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machinery.

(4) Such provision as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery or boilers of any factory.

19. No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

Prohibition of employment of women and children in certain dangerous work.

Prohibition of employment of women and children where cotton openers are at work.

ployed in the part of a factory for pressing cotton in which a cotton-opener is at work:

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof, women and children may be employed in the room in which the feed-end is situated.

CHAPTER IV.

Hours of Employment and Holidays.

Periodical stoppage of work.

21. (1) In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

(2) Nothing in sub-section (1) shall apply to—

(*a*) any work performed by any person while employed in accordance with a system of shifts approved by the inspector, or

(*b*) the work of sizing, calendering, finishing, sewing or tailoring in textile factories, or in cloth-printing works, or in bleaching or dyeing works, or

(*c*) work on urgent repairs executed in railway or tramway workshops or running sheds, or in engineering works, or

(*d*) any work mentioned in Part A or in Part B of Schedule 1, or

(*e*) the factories mentioned in Part C of the said Schedule.

(3) Where it is proved to the satisfaction of the Government—

(*a*) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(*b*) that there is in any class of factories not specified in Part B of the said Schedule any work which necessitates continuous production for technical reasons, or

(*c*) that any class of factories not specified in Part C of the said Schedule requires, by reason of the exigencies or

)ecial circumstances of the trade carriec
ı therein, an uninterrupted working day
ıe Government may, by notification ir
ıe official Gazette, exempt,—

in case (*a*), such class of work,

in case (*b*), work of the nature de scribed in such class of factories

in case (*c*), such class of factories,

'om the provisions of sub-section (1) oı
ıch conditions, if any, as it may impose

Weekly holiday.

22. (1) No person shall be employe(in any factory on ; Sunday, unless—

(*a*) he has had, or will have, ; oliday for a whole day on one of th(ıree days immediately preceding or suc ɜeding the Sunday, and

(*b*) the manager of the factory ha revious to the Sunday or the substitute(ıy, whichever is earlier, given notice t(ıe inspector of his intention so to emplo ıe said person and of the day which i) be substituted and has at the sam(me affixed a notice to the same effect ir ıe place mentioned in Section 36.

(2) Nothing in sub-section (1) sh)ply to work on urgent repairs execut railway or tramway workshops or ru ing sheds or in engineering works.

(3) Nothing in sub-section (1) sh)ply to any person employed on a ork specified in Part A of Schedule I ı Part A of Schedule II or to any factc)ecified in Part B of Schedue II.

(4) Where it is proved to the sat ,ction of the Government—

(*a*) that any class of work not sp fied in Part A of Schedule I is of rgent nature or is such as in the interes efficiency is commonly performed wh ıe main manufacturing process of t ,ctory is discontinued, or

(*b*) that there is in any class ,ctories not specified in Part A of Scl ule II any work which necessitates cc nuous production for technical re)ns, or

(*c*) that any class of factories r)ecified in Part B of Schedule II su lies the public with articles of prir ɜcessity which must be made or suppli ɣery day, or

(*d*) that in any class of factori ıe work performed, by the exigencies ıe trade or by its nature, cannot be ca ed on except at stated seasons, or mes dependent on the irregular acti

the Government may, by notification in the official Gazette, exempt,—

in case (*a*), such class of work,
in case (*b*), work of the nature described in such class of factories, and
in cases (*c*) and (*d*), such class of factories,

from the provisions of sub-section (1), on such conditions, if any, as it may impose.

Employment of children.

23. With respect to the employment of children in factories the following provisions shall apply:—

(*a*) no child shall be employed in any factory unless he is in possession of a certificate granted under Section 7 or Section 8 showing that he is not less than nine years of age and is fit for employment in a factory and while at work carries either the certificate itself or a token giving reference to such certificate;

(*b*) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(*c*) no child shall be employed in any factory for more than seven hours in any one day.

Employment of women.

24. With respect to the employment of women in factories the following provisions shall apply:—

(*a*) no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(*b*) no woman shall be employed in any factory for more than eleven hours in any one day.

Prohibition of employment of woman or child in two factories on same day.

25. No person shall employ, or permit to be employed, any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in another factory.

Hours of employment of women and children to be fixed.

26. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

Exception to provisions relating to employment of women.

27. Nothing in Section 24 or Section 26 shall apply to any woman in any factory for ginning or pressing cotton, in which such

number of women are employed as are in the opinion of the inspector sufficient to make the hours of employment of each woman not more than eleven in any one day.

CHAPTER V.

SPECIAL PROVISIONS FOR TEXTILE FACTORIES.

Limitation of hours of work.

28. No person shall be employed in any textile factory for more than twelve hours in any one day.

Limits between which a person may be employed.

29. (1) No person shall be employed in any textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

(2) Nothing in sub-section (1) shall apply to any person while employed in accordance with a system of shifts approved by the inspector.

Exceptions from Sections 28 and 29.

30. (1) Nothing in Section 28 or Section 29 shall apply to—

(*a*) the work of calendering, finishing, sewing or tailoring, or

(*b*) the work of cloth-printing bleaching or dyeing, or

(*c*) any work specified in Part A of Schedule I.

(2) Where it is proved to the satisfaction of the Government that any work not specified in Part A of Schedule I is of an urgent nature, or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, the Government may, by notification in the official Gazette, exempt any person employed on such work from the operation of Section 28 or Section 29 on such conditions, if any, as it may impose.

Limit of use of machinery.

31. (1) The period for which mechanical power or electrical power is used in any textile factory shall not in any one day exceed twelve hours.

(2) Nothing in sub-section (1) shall apply to any mechanical power or electrical power while being solely used in aid of the work performed by any person employed in accordance with a system of shifts approved by the inspector.

(3) Nothing in sub-section (1) shall apply to any mechanical power or electrical power required in connection with any work specified in sub-section (1) of Section 30 or in connection with any work which is exempted by the Government under sub-section (2) of the same section.

Limitation of hours of children.

32. No child shall be employed in any textile factory for more than six hours in any one day.

CHAPTER VI.

Notices and Registers.

Person occupying factory to give notice.

33. (1) Every person occupying a factory shall,—

(*a*) in the case of existing factories, within one month after the commencement of this Regulation, or

(*b*) in the case of a factory which starts work after the commencement of this Regulation, within one month after he begins to occupy the factory,

send to the inspector a written notice containing—

(i) the name of the factory and of the place where it is situate,

(ii) the address to which he desires his letters to be directed,

(iii) the nature of the work performed in such factory,

(iv) the nature and amount of the moving power therein, and

(v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Regulation:

Provided that in the case of a seasonal factory such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Regulation.

4. When any ent occurs in a factory causing death or bodily injury, where by the person injured is vented from returning to his work in factory during the forty-eight hours t after the occurrence of the accident manager shall send notice of the accit to such authorities in such form and nin such time as may be prescribed.

otice to be given cident.

5. In every factory there shall be kept, in the prescribed form, a register of the children (if any) emred in such factory, and of the nature heir respective employment.

gister of chil-

6. (1) There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority he operatives in such factory, the cribed abstracts of this Regulation of the rules made thereunder, and a notice containing the standing rs of the factory upon the following ters, namely :—

fixing of abt and notices.

(*a*) the time of beginning and end- work on each day;

(*b*) the periods during which all k is discontinued under Section 21 ;

(*c*) the hours of beginning and end- work for each shift (if any) ; and

(*d*) the hours of employment of women and children respectively, if not employed in shifts.

(2) A copy of the said notice shall be sent to the inspector within one month of the commencement of this Regulation, or, in the case of a factory which starts work after the commencement of this Regulation, within one month of commencing work.

(3) The said notice shall be correctly maintained and kept up to date, and intimation of any change therein shall be sent by the manager to the inspector within seven days.

(4) Nothing in this section, except in so far as it relates to affixing the prescribed abstracts of this Regulation and the rules made thereunder, shall apply to any seasonal factory.

CHAPTER VII.

RULES.

Power to make rules

37. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation;

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for —

(*a*) the inspection of factories;

(*b*) the manner in which inspectors are to exercise the powers conferred on them by this Regulation ;

(*c*) the duties to be performed by certifying surgeons;

(*d*) the form of the certificate prescribed by Section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate ;

(*e*) the methods, including lime-washing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia;

(*f*) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein;

(*g*) standards of ventilation, and the methods to be adopted in order to secure their observance ;

(*h*) standards of latrine and urinal accommodation ;

(*i*) standards of water-supply ;

(*j*) the parts of the machinery to be kept fenced in accordance with Section 18, sub-section (1), clause (*c*), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers;

(*k*) the form of the notice prescribed by Section 34, and the time within which and the authorities to whom it shall be sent;

(*l*) the form of the register prescribed by Section 35 ;

(*m*) the abstracts of the Regulation and of the rules required by Section 36 ;

(*n*) the procedure to be followed in presenting and hearing appeals under this Regulation, including the appointment and remuneration of assessors; and

(*o*) the manner of service of notices and orders upon occupiers or managers of factories.

38. The Government may from time to time make rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical, as may in its opinion be necessary for the effectual carrying out of this Regulation.

Returns.

39. (1) The power to make rules conferred by Section 37, except clauses (*k*), (*l*) and (*m*) of sub-section (2) thereof, and by Section 38 is subject to the condition of the rules being made after previous publication.

Prior publication of rules.

(2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Regulation, 1899, as that after which a draft of rules proposed to be made under Sections 37 and 38 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

40. Rules made under this chapter shall be published in the official Gazette and shall thereupon have effect as if enacted in this Regulation.

Commencement of rules.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

41. If in any factory—

Penalties.

(*a*) any person is employed or allowed to work contrary to any of the provisions of this Regulation;

(*b*) any of the provisions of Section 9 are not complied with;

(*c*) latrine or urinal accommodation in accordance with the provisions of Section 13 is not provided;

(*d*) a supply of water for the persons employed is not maintained in accordance with the provisions of Section 14;

(*e*) any door is constructed in contravention of Section 15;

(*f*) any of the provisions of Section 18, sub-sections (1), (3) and (4), regarding fencing and the protection from danger of persons employed in attending to the machinery or boilers are not complied with;

(*g*) any order of an inspector under Section 10, Section 11, Section 12, Section 16 or Section 18 is not complied with

(*h*) the register prescribed by Section 35 is not kept up to date;

(*i*) any of the provisions of Section 36 are not complied with;

(*j*) any notice or return required by this Regulation or by rules made thereunder to be furnished is not furnished;

the occupier and manager shall be jointly and severally liable to a fine which may extend to two hundred rupees:

Provided that in cases where an appeal is allowed by Section 50 no prosecution under clause (*g*) of this section shall be instituted until either the time prescribed by Section 50 for the presentation of an appeal has expired or such appeal, if made, has been determined.

Exemption of occupier or manager from liability in certain cases.

42. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Regulation, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the inspector at any time prior to the institution of the proceedings—

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation, and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against

the occupier or manager of the factory and such person shall be liable to the like fine as if he were the occupier or manager

Penalties for certain offences.

43. Any person who—

(*a*) wilfully obstructs an inspector in the exercise of any power under Section 5, or fails to produce on demand by an inspector any registers or other documents kept in pursuance of this Regulation or the rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an inspecto

(*b*) smokes, or uses a naked ligh or causes or permits any such light to l used, in the immediate vicinity of any i flammable material in contravention Section 17; or

(*c*) does or omits to do any oth act prohibited or prescribed by this Regulation or any order or rule made there under;

shall be punishable with fine which ma extend to two hundred rupees.

Using false certificate.

44. Any person who knowingly us or attempts to use, a certificate granted t himself under Section or Section 8, a certificate granted to a other person under either of those section or who, having procured such a certif cate, knowingly allows it to be used, an attempt to use it to be made, by a other person, shall be punishable with fin which may extend to twenty rupees.

Limit to penalty in case of repetition of offence.

45. A person shall not be liable i respect of a repetitio of the same kind offence from day to da to any larger amount of fines than th highest fine fixed by this Regulation fo the offence, except—

(*a*) where the repetition of th offence occurs after a prosecution ha been instituted in respect of the origina offence, or

(*b*) where the offence is one of em ploying or allowing to be employed tw or more persons contrary to the provi sions of this Regulation.

Presumption as to employment.

46. If a child over the age of six year is found inside any room or part of a factory in which room o part children are employed and in which any manufacturing process or work incidental to any manufacturing process is

being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory.

Evidence as to age.

47. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Regulation, and such person is in the opinion of the Court apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that person.

Cognizance of offences.

48. (1) No prosecution under this Regulation except a prosecution under Section 43, clause (*b*), shall be instituted except by or with the previous sanction of the inspector.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation or any rule or order thereunder, other than an offence against Section 43, clause (*b*).

Limitation of prosecutions.

49. No Court shall take cognizance of any offence against this Regulation or any rule or order thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER IX.

Supplemental Provisions.

Appeals.

50. (1) Any person on whom an order under Section 10, Section 11, Section 12, Section 16 or Section 18 has been served may, within fourteen days from the date of service of the order, appeal against such order to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(2) Where an inspector refuses to approve a system of shifts, he shall, if

required by the manager of the factory, record his order of refusal with the reasons therefor, and the manager of the factory may, within fourteen days from the date of such order, appeal against it to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(3) In the case of any appeal under sub-section (1) the appellate authority may, and if so requested by the appellant in the petition of appeal shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Government may in this behalf prescribe:

Provided that if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

Computation of hours of employment.

51. In computing the hours referred to in Section 23, clause (*c*), Section 24, clause (*b*), Section 28 and Section 32, any interval by which work is interrupted for half an hour or more shall be excluded.

Power to declare parts of a factory to be separate factories.

52. The Government may, by special order in writing, direct, with respect to any factory or class of factories, that different branches or departments of work carried on in the same factory shall for all or any of the purposes of this Regulation be treated as if they were separate factories.

Application to Government factories.

53. This Regulation shall apply to factories belonging to the Government.

Power to exempt from Regulation.

54. In the case of any public emergency, the Government may, by an order in writing, exempt any factory from this Regulation to such extent and during such period as it thinks fit.

Protection to persons acting under Regulation.

55. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Repeal and savings.

56. The Mysore Factories Regulation, 1892, is hereby repealed:

Provided that all appointments made and all certificates given under the said Regulation shall be deemed to have been made or given under this Regulation.

SCHEDULE I.

(*See Sections* 21, 22, 30.)

PART A.

[*See Sections* 21 (2), (3); 22 (3); 30.]

WORK OF AN URGENT NATURE OR SUCH AS IN THE INTERESTS OF EFFICIENCY IS COMMONLY PERFORMED WHILE THE MAIN MANUFACTURING PROCESS OF THE FACTORY IS DISCONTINUED.

(*a*) Work by the supervising staff, clerks, watchmen or messengers;

(*b*) work in the mechanic shop, the smithy or foundry, the boiler-house, the engine-room or power-house, or in connection with the mill-gearing, the electric driving or lighting apparatus, mechanical or electrical lifts, or the steam or water pipes or pumps;

(*c*) work on the cleaning of walls, ceilings or other portions of factory buildings, tanks, wells, humidifying or ventilating apparatus, tunnels, blow-room flues or line-shaft alleys or of galleries in ginning factories;

(*d*) work by persons engaged in oiling, examining or repairing or in supervising or aiding in the oiling, examination or repair of any machinery or other thing whatsoever which is necessary for the carrying on of the work in a factory.

Explanation.—Periodical cleaning is not included in the terms "examining" or "repairing"

(*e*) work on the processess of packing, bundling or baling of finished articles or the receiving or despatching of goods.

PART B.

[*See Section* 21 (2), (3).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.

Oil refineries.
Oil mills.
Cement work
Cloth-printing works.
Bleaching and dyeing works.
Carbonic acid gas works.
Chemical works.
Glass works.
Paper mills.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART C.

[*See Section* 21 (2), (3).]

FACTORIES WHICH BY REASON OF THE EXIGENCIES OR THE SPECIAL CIRCUMSTANCES OF THE TRADE CARRIED ON THEREIN REQUIRE AN UNINTERRUPTED WORKING DAY, NAMELY :-

Flour mills.
Rice mills.
Letter-press printing works.
Dairies.
Bakeries.
Ice factories.
The mints.
Gas works.
Air-compressor stations.
Water works or water-supply pumping stations.

SCHEDULE II.

(*See Section* 22.)

PART A.

[*See Section* 22 (3), (4).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY :—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.
Oil refineries.
Cement works.
Carbonic acid gas works.
Chemical works.
Glass works.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART B.

[*See Section* 22 (3), (4).]

FACTORIES WHICH SUPPLY THE PUBLIC WITH ARTICLES OF PRIME NECESSITY WHICH MUST BE MADE OR SUPPLIED EVERY DAY, NAMELY :—

Ice factories.
Dairies.
Bakeries.
Gas works.
Air-compressor static
Water works or water-supply pumping stations

Statement of Objects and Reasons.

The Mysore Factories Regulation was passed so far back as 1892. In British India the law relating to factories was revised in 1911 and a new Act was passed embodying several salutary provisions about the health and safety of persons employed in factories and the period of their employment therein.

It is considered desirable that the law in the Mysore State should be brought into line with that obtaining in British India. With this object this Bill has been prepared on the lines of the British Indian Act of 1911.

G.R.S. 28]

File No.

Serial No.

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

READ—

the

Date of issue 3/4/14

Signed by Mr S.P. Rajagopalachar

To the Compiler, Mysore Laws

ORDER ~~THEREON~~—No. J288 | Leg II-11-14

Ordered 3/4/14 that the Mysore Factories Regulation which received the assent of His Highness the Maharaja

for general information is to be published in ~~Part III of the~~ Mysore Gazette as Regulation III of 1914.

Sd/-
For Secretary to Govt.

The English Mysore Gazette for publication in Part-III of the Gazette in English and Kannada and for supplying 200 copies in English and 100 in Kannada to this Office and 100 in English and 10 in Kannada to the Curator Central Book Depot. Proofs thereof are sent to this Office for approval before publication. The spare copies to be bound with stiff paper wrapper and the title and No. of the Regulation printed thereon.

JHC
1-9-14

THE MYSORE FACTORIES REGULATION, REGULATION No. III OF 1914.

The Mysore Factories Regulation.

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SCHEDULES

REGULATION No. III OF 1914.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 28TH DAY OF MARCH 1914.)

A Regulation to consolidate and amend the law regulating labour in factories.

Whereas it is expedient to consolidate and amend the law regulating labour in factories; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title, commencement and extent.

1. (1) This Regulation may be called the Mysore Factories Regulation, 1914.

(2) It shall come into force on 1st July 1914; and

(3) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

"Child."

(1) "child" means a person who is under the age of fourteen years:

"Employed."

(2) a person who works in a factory, whether for wages or not,—

(*a*) in a manufacturing process or handicraft, or

(*b*) in cleaning any part of the factory used for any manufacturing process or handicraft, or

(*c*) in cleaning or oiling any part of the machinery, or

(*d*) in any other kind of work whatsoever, incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall be deemed to be employed therein:

Explanation.—The term "manufacturing process" shall be deemed to include the baling of any material for transport:

"Factory."

(3) "factory" means any premises wherein, or within the precincts of which, steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article:

"Inspector."

(4) "inspector" includes an additional inspector:

"Mill-gearing."

(5) "mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, chain, wire, driving strap or band by which the motion of the first moving power is communicated to any machine appertaining to any manufacturing process:

"Occupier."

(6) "occupier" includes a managing agent or other person authorised to represent the occupier:

"Prescribed."

(7) "prescribed" means prescribed by this Regulation or by rules made thereunder:

"System of shifts."

(8) "system of shifts" means a system of relays in which the time of the beginning and ending of the period or periods of the employment of each person is fixed for each relay:

"Textile factory."

(9) "textile factory" means a factory wherein is carried on any process for or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoanut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof:

Provided that the term "textile factory" shall not be deemed to include the following factories, namely :—cloth-printing works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, silk filatures, factories for ginning cotton, decorticating fibre, pressing cotton, jute or other fibre, rope works and hat works.

Application of Regulation.

3. (1) Nothing in the following chapter shall apply to—

(*a*) any mine subject to the operation of the Mysore Mines Regulation, 1906, or

(*b*) any electrical generating or transforming station, or

(*c*) any indigo factory, or

(*d*) any factory situated on and used solely for the purposes of a tea or coffee plantation, or

(*e*) any factory wherein on no day in the year are more than forty-nine persons simultaneously employed :

Provided that the Government may, by notification in the official Gazette, apply to any factory or class of factories, wherein any specified number of persons, not being less than twenty, are on any day simultaneously employed, all or any of the provisions of this Regulation which would, save for clause (*e*) of this sub-section, have applied.

(2) The provisions of Chapters IV and V and Sections 35 and 36 shall not, unless the Government by order in writing otherwise directs, apply to any person employed solely in any place within the precincts of a factory, not being a cotton reeling-room or winding-room, in which place no steam, water or other mechanical power or electrical power is used in aid of the manufacturing process carried on in such factory, or in which such power is used solely for the purpose of moving or working any appliances in connection with the bringing or taking of any goods into or out of the factory.

CHAPTER II.

Inspectors and Certifying Surgeons.

Inspectors.

4. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) The District Magistrate shall be an inspector under this Regulation.

(4) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional inspectors for all or any of the purposes of this Regulation within such local limits as it may assign to them respectively.

(5) In any area where there are more inspectors than one, the Government may, by notification as aforesaid, declare the powers which such inspectors shall respectively exercise, and the inspector to whom the prescribed notices are to b sent.

(6) Every inspector shall be deemed to be a public servant within th meaning of the Indian Penal Code and shall be officially subordinate to suc authority as the Government may indicate in this behalf.

Powers of inspector.

5. Subject to any rules in this behalf, an inspector may, within the loca limits for which he is appointed,—

(*a*) enter, with such assistants (if any) as he thinks fit, any place which is or which he has reason to believe to be, used as a factory :

(*b*) make such examination of the premises and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Regulation; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Regulation:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

Certifying surgeons

6. The Government may appoint such qualified medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Regulation within such local limits as it may assign to them respectively.

Grant of certificate.

7. (1) A certifying surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

(2) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory, he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reasons for such refusal.

Delegation of certifying surgeon's functions.

8. A certifying surgeon may authorize any person practising medicine or surgery to exercise the functions assigned to him by Section 7, and may revoke such authority:

Provided that no certificate granted under this section shall, unless confirmed, on personal examination of the person named therein, by the certifying surgeon who conferred the authority, be valid after the first date subsequent to the grant thereof on which such certifying surgeon visits the factory in which the person named therein is employed.

CHAPTER III.

Health and Safety.

Sanitary provisions.

9. The following provisions shall apply to every factory:—

(*a*) it shall be kept clean and free from effluvia arising from any drain, privy or other nuisance;

(*b*) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;

(*c*) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

Provision as to ventilation by fans in certain factories.

10. If in a factory, in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may serve on the manager of the factory an order in writing, directing that a fan or other mechanical means of a proper construction for preventing such inhalation be provided, maintained and used before a specified date.

Lighting.

11. (1) Every factory shall be sufficiently lighted

(2) In the case of any factory which is not in the opinion of the inspector so lighted, the inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

12. (1) In any factory in which humidity of the atmosphere is produced b artificial means, the water used for the purpose of pr ducing humidity shall be taken either from a publ supply of drinking water or from some other source ier ordinarily used for drinking, or shall be effectively purified before being use the purpose of producing humidity.

urity of water used for idifying.

(2) In the case of any factory in which any water required under sub-se 1 (1) to be effectively purified is not in the opinion of the inspector so purifie inspector may serve on the manager of the factory an order in writing specif the measures which he considers necessary for effectively purifying the wat requiring him to carry them out before a specified date.

13. Every factory shall be provided with sufficient and suitable latrin accommodation, and if the Government so requires, wit separate urinal accommodation for the persons employe in the factory :

rovision of latrines and al accommodation.

Provided that the inspector may, subject to such conditions as the Goveri nt may lay down in this behalf, by an order in writing exempt any factory fro provisions of this section.

14. In every factory, there shall be maintained a sufficient and suitab supply of water fit for drinking for the use of the pe sons employed in the factory.

Vater-supply.

15. In every factory, the construction of which is commenced after the commencement of this Regulation, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as open outwards.

oors of factory to open vards.

16. (1) Every factory shall be provided with such means of escape in case of fire for the persons employed therein as can reasonably be required in the circumstances of each case.

rovision of means for escape ase of fire.

(2) In the case of any factory which is not in the opinion of the inspector so vided, the inspector may serve on the manager of the factory an order in writing, cifying the measures which he considers necessary for providing such means escape, and requiring him to carry them out before a specified date.

17. No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

recautions against fire.

18. (1) (*a*) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of any water-wheel or ngine worked by any such power,

Fencing.

(*b*) every hoist or teagle and every hoist-well, trap-door or other sir opening near which any person is liable to pass or be employed, an

(*c*) every part of the machinery which the Government may by rule equire to be kept fenced,

shall be securely fenced.

(2) If, in any factory, there is any other part of the machinery or mill-gearing which may in the opinion of the inspector be dangerous if left unfenced, the nspector may serve on the manager of the factory an order in writing, specifying he measures which he considers necessary for fencing such part in order to emove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair r are under examination in connection with repair or are necessarily exposed for he purpose of cleaning or lubricating or for altering the gearing or arrangements of he parts of the machinery.

(4) Such provision as may be prescribed shall be made for the protection rom danger of persons employed in attending to the machinery or boilers of any actory.

19. No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

Prohibition of employment of women and children in certain dangerous work.

20. No woman or child shall be employed in the part of a factory for pressing cotton in which a cotton-opener is at work:

Prohibition of employment of women and children where cotton-openers are at work.

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof, women and children may be employed in the room in which the feed-end is situated.

CHAPTER IV.

Hours of Employment and Holidays.

21. (1) In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

Periodical stoppage of work.

(2) Nothing in sub-section (1) shall apply to—

(*a*) any work performed by any person while employed in accordance with system of shifts approved by the inspector, or

(*b*) the work of sizing, calendering, finishing, sewing or tailoring in textile factories, or in cloth-printing works, or in bleaching or dyeing works, or

(*c*) work on urgent repairs executed in railway or tramway workshops or running sheds, or in engineering works, or

(*d*) any work mentioned in Part A or in Part B of Schedule I, or

(*e*) the factories mentioned in Part C of the said Schedule.

(3) Where it is proved to the satisfaction of the Government—

(*a*) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(*b*) that there is in any class of factories not specified in Part B of the said Schedule any work which necessitates continuous production for technical reasons, or

(*c*) that any class of factories not specified in Part C of the said Schedule requires, by reason of the exigencies or special circumstances of the trade carried on therein, an uninterrupted working day,

the Government may, by notification in the official Gazette, exempt,—
in case (*a*), such class of work,
in case (*b*), work of the nature described in such class of factories,
in case (*c*), such class of factories,
from the provisions of sub-section (1) on such conditions, if any, as it may impose.

22. (1) No person shall be employed in any factory on a Sunday, unless—

Weekly holiday.

(*a*) he has had, or will have, a holiday for a whole day on one of the three days immediately preceeding or succeeding the Sunday, and

(*b*) the manager of the factory has previous to the Sunday or the substituted day, whichever is earlier, given notice to the inspector of his intention so to employ the said person and of the day which is to be substituted and has at the same time affixed a notice to the same effect in the place mentioned in Section 36.

(2) Nothing in sub-section (1) shall apply to work on urgent repairs executed in railway or tramway workshops or running sheds or in engineering works.

(3) Nothing in sub-section (1) shall apply to any person employed on any work specified in Part A of Schedule I or in Part A of Schedule II or to any factory specified in Part B of Schedule II.

(4) Where it is proved to the satisfaction of the Government—

(*a*) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(*b*) that there is in any class of factories not specified in Part A of Schedule II any work which necessitates continuous production for technical reasons, or

(*c*) that any class of factories not specified in Part B of Schedule II supplies the public with articles of prime necessity which must be made or supplied every day, or

(*d*) that in any class of factories the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons, or at times dependent on the irregular action of natural forces,

the Government may, by notification in the official Gazette, exempt,—

in case (*a*), such class of work,

in case (*b*), work of the nature described in such class of factories, and

in cases (*c*) and (*d*), such class of factories,

from the provisions of sub-section (1), on such conditions, if any, as it may impose.

Employment of children.

23. With respect to the employment of children in factories the following provisions shall apply:

(*a*) no child shall be employed in any factory unless he is in possession of a certificate granted under Section 7 or Section 8 showing that he is not less than nine years of age and is fit for employment in a factory and while at work carries either the certificate itself or a token giving reference to such certificate;

(*b*) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(*c*) no child shall be employed in any factory for more than seven hours in any one day.

Employment of women.

24. With respect to the employment of women in factories the following provisions shall apply:—

(*a*) no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(*b*) no woman shall be employed in any factory for more than eleven hours in any one day.

Prohibition of employment of woman or child in two factories on same day.

25. No person shall employ, or permit to be employed, in any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

Hours of employment of women and children to be fixed.

26. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

Exception to provisions relating to employment of women.

27. Nothing in Section 24 or Section 26 shall apply to any woman in any factory for ginning or pressing cotton, in which such number of women are employed as are in the opinion of the inspector sufficient to make the hours of employment of each woman not more than eleven in any one day.

CHAPTER V.

Special Provisions for Textile Factories.

Limitation of hours of work.

28. No person shall be employed in any textile factory for more than twelve hours in any one day.

Limits between which a person may be employed.

29. (1) No person shall be employed in any textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

(2) Nothing in sub-section (1) shall apply to any person while employed in accordance with a system of shifts approved by the inspector.

Exceptions from Sections 28 and 29.

30. (1) Nothing in Section 28 or Section 29 shall apply to—

(*a*) the work of calendering, finishing, sewing or tailoring, or

(*b*) the work of cloth-printing, bleaching or dyeing, or

(*c*) any work specified in Part A of Schedule I.

(2) Where it is proved to the satisfaction of the Government that any work not specified in Part A of Schedule I is of an urgent nature, or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, the Government may, by notification in the official Gazette, exempt any person employed on such work from the operation of Section 28 or Section 29 on such conditions, if any, as it may impose.

Limit of use of machinery.

31. (1) The period for which mechanical power or electrical power is used in any textile factory shall not in any one day exceed twelve hours.

(2) Nothing in sub-section (1) shall apply to any mechanical power or electrical power while being solely used in aid of the work performed by any person employed in accordance with a system of shifts approved by the inspector.

(3) Nothing in sub-section (1) shall apply to any mechanical power or electrical power required in connection with any work specified in sub-section (1) of Section 30 or in connection with any work which is exempted by the Government under sub-section (2) of the same section.

Limitation of hours of children.

32. No child shall be employed in any textile factory for more than six hours in any one day.

CHAPTER VI.

Notices and Registers.

Person occupying factory to give notice.

33. (1) Every person occupying a factory shall,—

(*a*) in the case of existing factories, within one month after the commencement of this Regulation, or

(*b*) in the case of a factory which starts work after the commencement of this Regulation, within one month after he begins to occupy the factory,

send to the inspector a written notice containing—

(i) the name of the factory and of the place where it is situate,

(ii) the address to which he desires his letters to be directed,

(iii) the nature of the work performed in such factory,

(iv) the nature and amount of the moving power therein, and

(v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Regulation:

Provided that in the case of a seasonal factory such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Regulation.

34. When any accident occurs in a factory causing death or bodily injury whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of the accident to such authorities in such form and within such time as may be prescribed.

Notice to be given of accident.

35. In every factory there shall be kept, in the prescribed form, a register of the children (if any) employed in such factory, and of the nature of their respective employment.

Register of children.

36. (1) There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority of the operatives in such factory, the prescribed abstracts of this Regulation and of the rules made thereunder, and also a notice containing the standing orders of the factory upon the following matters, namely :—

Affixing of abstract and notices.

(*a*) the time of beginning and ending work on each day ;

(*b*) the periods during which all work is discontinued under Section 21 ;

(*c*) the hours of beginning and ending work for each shift (if any) ; and

(*d*) the hours of employment of women and children respectively, if not employed in shifts.

(2) A copy of the said notice shall be sent to the inspector within one month of the commencement of this Regulation, or, in the case of a factory which starts work after the commencement of this Regulation, within one month of commencing work.

(3) The said notice shall be correctly maintained and kept up to date, and intimation of any change therein shall be sent by the manager to the inspector within seven days.

(4) Nothing in this section, except in so far as it relates to affixing the prescribed abstracts of this Regulation and the rules made thereunder, shall apply to any seasonal factory.

CHAPTER VII.

RULES.

37. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation ;

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the inspection of factories ;

(*b*) the manner in which inspectors are to exercise the powers conferred on them by this Regulation ;

(*c*) the duties to be performed by certifying surgeon

(*d*) the form of the certificate prescribed by Section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate ;

(*e*) the methods, including lime-washing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia ;

(*f*) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein ;

(*g*) standards of ventilation, and the methods to be adopted in order to secure their observance ;

(*h*) standards of latrine and urinal accommodation ;

(*i*) standards of water-supply ;

(*j*) the parts of the machinery to be kept fenced in accordance with Section 18, sub-section (1), clause (*c*), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers ;

(*k*) the form of the notice prescribed by Section 34, and the time within which and the authorities to whom it shall be sent;

(*l*) the form of the register prescribed by Section 35;

(*m*) the abstracts of the Regulation and of the rules required by Section 36;

(*n*) the procedure to be followed in presenting and hearing appeals under this Regulation, including the appointment and remuneration of assessors; and

(*o*) the manner of service of notices and orders upon occupiers or managers of factories.

Returns.

38. The Government may from time to time make rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical, as may in its opinion be necessary for the effectual carrying out of this Regulation.

Prior publication of rules.

39. (1) The power to make rules conferred by Section 37, except clauses (*k*), (*l*) and (*m*) of sub-section (2) thereof, and by Section 38 is subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Regulation, 1899, as that after which a draft of rules proposed to be made under Sections 37 and 38 will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

Commencement of rules.

40. Rules made under this chapter shall be published in the official Gazette and shall thereupon have effect as if enacted in this Regulation.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

Penalties.

41. If in any factory—

(*a*) any person is employed or allowed to work contrary to any of the provisions of this Regulation;

(*b*) any of the provisions of Section 9 are not complied with;

(*c*) latrine or urinal accommodation in accordance with the provisions of Section 13 is not provided;

(*d*) a supply of water for the persons employed is not maintained in accordance with the provisions of Section 14;

(*e*) any door is constructed in contravention of Section 15;

(*f*) any of the provisions of Section 18, sub-sections (1), (3) and (4), regarding fencing and the protection from danger of persons employed in attending to the machinery or boilers are not complied with;

(*g*) any order of an inspector under Section 10, Section 11, Section 12, Section 16 or Section 18 is not complied with;

(*h*) the register prescribed by Section 35 is not kept up to date;

(*i*) any of the provisions of Section 36 are not complied with;

(*j*) any notice or return required by this Regulation or by rules made thereunder to be furnished is not furnished;

the occupier and manager shall be jointly and severally liable to a fine which may extend to two hundred rupees:

Provided that in cases where an appeal is allowed by Section 50 no prosecution under clause (*g*) of this section shall be instituted until either the time prescribed by Section 50 for the presentation of an appeal has expired or such appeal, if made, has been determined.

Exemption of occupier or manager from liability in certain cases.

42. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before

the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Regulation, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the inspector at any time prior to the institution of the proceedings—

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation, and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Penalties for certain offences.

43. Any person who—

(*a*) wilfully obstructs an inspector in the exercise of any power under Section 5, or fails to produce on demand by an inspector any registers or other documents kept in pursuance of this Regulation or the rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an inspector;

(*b*) smokes, or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of Section 17; or

(*c*) does or omits to do any other act prohibited or prescribed by this Regulation or any order or rule made thereunder;

shall be punishable with fine which may extend to two hundred rupees.

Using false certificate.

44. Any person who knowingly uses or attempts to use, as a certificate granted to himself under Section 7 or Section 8, a certificate granted to another person under either of those sections, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

Limit to penalty in case of repetition of offence.

45. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Regulation for the offence, except—

(*a*) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(*b*) where the offence is one of employing or allowing to be employed two or more persons contrary to the provisions of this Regulation.

Presumption as to employment.

46. If a child over the age of six years is found inside any room or part of a factory in which room or part children are employed and in which any manufacturing process or work incidental to any manufacturing process is being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory.

Evidence as to age.

47. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Regulation, and such person is in the opinion of the Court apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that person.

Cognizance of offences.

48. (1) No prosecution under this Regulation except a prosecution under Section 43, clause (*b*), shall be instituted except by or with the previous sanction of the inspector.

(2) No Court inferior to that of a Magistrate of the first class shall try an offence against this Regulation or any rule or order thereunder, other than an offence against Section 43, clause (*b*).

Limitation of prosecutions.

49. No Court shall take cognizance of any offence against this Regulation or any rule or order thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER IX.

Supplemental Provisions.

Appeals.

50. (1) Any person on whom an order under Section 10, Section 11, Section 12, Section 16 or Section 18 has been served may within fourteen days from the date of service of the order, appeal against such order to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(2) Where an inspector refuses to approve a system of shifts, he shall, if required by the manager of the factory, record his order of refusal with the reasons therefor, and the manager of the factory may, within fourteen days from the date of such order, appeal against it to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(3) In the case of any appeal under sub-section (1) the appellate authority may, and if so requested by the appellant in the petition of appeal shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Government may in this behalf prescribe :

Provided that if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

Computation of hours of employment.

51. In computing the hours referred to in Section 23, clause (*c*), Section 24, clause (*b*), Section 28 and Section 32, any interval by which work is interrupted for half an hour or more shall be excluded.

Power to declare parts of a factory to be separate factories.

52. The Government may, by special order in writing, direct, with respect to any factory or class of factories, that different branches or departments of work carried on in the same factory shall for all or any of the purposes of this Regulation be treated as if they were separate factories.

Application to Government factories.

53. This Regulation shall apply to factories belonging to the Government also.

Power to exempt from Regulation.

54. In the case of any public emergency, the Government may, by an order in writing, exempt any factory from this Regulation to such extent and during such period as it thinks fit.

Protection to persons acting under Regulation.

55. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Repeal and savings.

56. The Mysore Factories Regulation, 1892, is hereby repealed :

Provided that all appointments made and all certificates given under the said Regulation shall be deemed to have been made or given under this Regulation.

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SCHEDULE I.

(*See Sections* 21, 22, 30)

PART A.

[*See Sections* 21 (2), (3); 22 (3); 30.]

WORK OF AN URGENT NATURE OR SUCH AS IN THE INTERESTS OF EFFICIENCY IS COMMONLY PERFORMED WHILE THE MAIN MANUFACTURING PROCESS OF THE FACTORY IS DISCONTINUED.

(*a*) Work by the supervising staff, clerks, watchmen or messengers;

(*b*) work in the mechanic shop, the smithy or foundry, the boiler-house, the engine-room or power-house, or in connection with the mill-gearing, the electric driving or lighting apparatus, mechanical or electrical lifts, or the steam or water pipes or pumps;

(*c*) work on the cleaning of walls, ceilings or other portions of factory buildings, tanks, wells, humidifying or ventilating apparatus, tunnels. blow-room flues or line-shaft alleys or of galleries in ginning factories;

(*d*) work by persons engaged in oiling, examining or repairing or in supervising or aiding in the oiling, examination or repair of any machinery or other thing whatsoever which is necessary for the carrying on of the work in a factory.

Explanation.—Periodical cleaning is not included in the terms "examining" or "repairing"

(*e*) work on the processess of packing, bundling or baling of finished articles or the receiving or despatching of goods.

PART B.

[*See Sections* 21 (2), (3).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.
Oil refineries.
Oil mills.
Cement works.
Cloth-printing works.
Bleaching and dyeing wor
Carbonic acid gas works.
Chemical works.
Glass works.
Paper mills.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART

[*See Section* 21 (2), (3).]

FACTORIES WHICH BY REASON OF THE EXIGENCIES OR THE SPECIAL CIRCUMSTANCES OF THE TRADE CARRIED ON THEREIN REQUIRE AN UNINTERRUPTED WORKING DAY, NAMELY:—

Flour mills.
Rice mills.
Letter-press printing works.
Dairies.
Bakeries.
Ice factories.
The mints.
Gas works.
Air-compressor st

Water-works or water-supply pumping stations.

SCHEDULE II.

(*See Section* 22.)

PART A.

[*See Section* 22 (3), (4).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.
Oil refineries.
Cement works.
Carbonic acid gas works.
Chemical works.
Glass works.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or works for the manufacture of iron or steel or other metals.

PART B.

[*See Section* 22 (3), (4)].

FACTORIES WHICH SUPPLY THE PUBLIC WITH ARTICLES OF PRIME NECESSITY WHICH MUST BE MADE OR SUPPLIED EVERY DAY, NAMELY:—

Ice fatories.
Dairies.
Bakeries.
Gas works.
Air-compressor stations.
Water-works or water-supply pumping stations.

M. VISVESVARAYA,

Dewan.

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Serial No.

Diary No. of letter replied to

Pol No. 953/am 11

General and Revenue Secretariat

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ssue 25.5.1914.

Signed by Mr D. M Narasimha Raos

To

The F. A. Resident in
Mysore, Bangalore

Sir

I am directed to forward herewith 11 copies of the Mysore Factories Regulation, III of 1914, and to request you to be so good as to forward 2 copies of the same to His Highness the Nizam's Govt.

I have &

SPN

for Secretary to Govt

SUBJECT.